

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
ALEXANDRIA DIVISION

BARBARA JEANE GAINES,
ON BEHALF OF HER MINOR CHILD,
TDG,

- Plaintiff, JUDGE _____

Versus MAGISRATE JUDGE _____

ACADIA HEALTHCARE COMPANY, INC.,
CROSSROADS REGIONAL HOSPITAL LLC
OF LOUISIANA D/B/A LONG LEAF HOSPITAL,
AND KEITH NEWMAN

- Defendants

**COMPLAINT FOR ASSAULT, BATTERY,
AND MEDICAL MALPRACTICE**

STATEMENT OF CLAIM

BARBARA JEANE GAINES, claimant herein, on behalf of her minor child, TDG, appears by her undersigned attorney, and files this lawsuit against Defendants CROSSROADS REGIONAL HOSPITAL LLC OF LOUISIANA, ACADIA HEALTHCARE COMPANY, INC., respectively the owner and operator of the LONGLEAF HOSPITAL in Rapides Parish, Louisiana, and KEITH NEWMAN, a Mental Health Technician employed at the LONGLEAF HOSPITAL.

In support, plaintiff shows:

1.

Plaintiff and her son reside in Natchez, Mississippi, for purposes of diversity jurisdiction under 28 U.S.C. § 1332 [address: 10 Rand Road, Natchez, Mississippi 39120].

2.

Defendant KEITH NEWMAN is a resident of Rapides Parish, Louisiana [Address: 2939 Cypress Street, Alexandria, LA 71302].

3.

Defendant CROSSROADS REGIONAL HOSPITAL, LLC OF LOUISIANA, is a Delaware Corporation with its principal office located at 830 Crescent Centre Drive, Suite 610, Franklin, Tennessee 37067-7323, for purposes of diversity jurisdiction under 28 U.S.C. § 1332. It is the owner of LONGLEAF HOSPITAL, a psychiatric healthcare facility located at 44 Versailles Boulevard, Alexandria, LA 71303, per license (2203781934) issued by the Louisiana Department of Health & Hospitals.

4.

Defendant ACADIA HEALTHCARE COMPANY, INC., is a Delaware Corporation with its principal corporate office located at 830 Crescent Centre Drive, Suite 610, Franklin, Tennessee 37067-7323, for purposes of diversity

jurisdiction under 28 U.S.C. § 1332. It is the owner of the aforesaid CROSSROADS REGIONAL HOSPITAL, LLC OF LOUISIANA and the operator of LONGLEAF HOSPITAL.

5.

This claim exceeds the jurisdiction limit of the District Court of the Western District of Louisiana (\$75,000.00) and the appropriate venue for this suit is the Alexandria Division as Defendant KEITH NEWMAN has his residence in Rapides Parish and the assault, battery, and medical errors which are the basis of this claim occurred at the LONGLEAF HOSPITAL in Alexandria, Louisiana.

6.

Defendant KEITH NEWMAN, and two other men not yet fully identified, were employed as Mental Health Technicians at the LONGLEAF HOSPITAL in Alexandria, Louisiana, on August 23, 2015.

7.

The website (<http://www.acadiahealthcare.com/>) of ACADIA HEALTHCARE COMPANY, INC declares it owns and operates numerous mental health facilities, one of which is the LONGLEAF HOSPITAL in Alexandria, Louisiana. Records in the possession of the Louisiana Department of Health & Hospitals establish ACADIA HEALTHCARE

COMPANY, INC. operates the LONGLEAF HOSPITAL.

8.

On August 23, 2015 the plaintiff's minor son, TDG, was a mental health patient at LONGLEAF HOSPITAL. He had been admitted to LONGLEAF HOSPITAL on August 21, 2015, with a diagnosis of Intermittent Explosive Disorder, Defiant Disorder, and ADHD. This was his third admission to LONGLEAF HOSPITAL, and his Integrated Assessment/Psychosocial note revealed he was at risk of hurting himself and others with a history of fighting at the hospital.

9.

On August 23, 2015, TDG was involved in an altercation with other juvenile patients in a common area of the LONGLEAF HOSPITAL, monitored by security cameras. Defendant KEITH NEWMAN and two other yet unidentified male Mental Health Technicians employed at LONGLEAF HOSPITAL, removed an uninjured TDG from the common area and took him to his room, which is not monitored by security cameras.

10.

After being removed to his room, defendant KEITH NEWMAN and a Mental Health Technician known as "JOSH" struck TDG about his head and torso with their fists. The third Mental Health Technician stood at the

doorway to the room and took no action to intervene orally or physically in the beating of TDG. TDG sustained a laceration to his nose and subsequently developed two black eyes as the result of this assault and battery by LONGLEAF HOSPITAL employees, as well as pain from the blows to his body and face.

11.

During the hospitalization of the plaintiff's minor son, TDG, in August 2015, the defendants owed a duty to the Plaintiff and her minor son, who she had left in their care, to render proper and adequate mental health care and treatment within an acceptable standard of medical care within the medical community and defendants breached this standard of care by physically abusing the Plaintiff's minor son and causing the minor, TDG, physical injury and pain and suffering and setting back his behavioral and mental health counseling and treatment.

Defendants CROSSROADS REGIONAL HOSPITAL, LLC OF LOUISIANA and ACADIA HEALTHCARE COMPANY, INC, as owner and operator, negligently hired, trained, and supervised the Mental Health Technicians of the LONGLEAF HOSPITAL, specifically the three who participated in and or witnessed the assault and battery of the minor, TDG, on August 23, 2015.

As a direct and proximate result of the breach of the applicable standard of medical care by Defendant KEITH NEWMAN and the two other Mental Health Technicians at LONGLEAF HOSPITAL, which resulted in the aforesaid physical injuries and retardation of TDG's mental health treatment.

The harm and losses endured by the Plaintiff's son were the direct, proximate result of the negligence, intentional abuse, and medical errors committed by defendants and their employees at LONGLEAF HOSPITAL.

Plaintiff's minor son did nothing to cause his own injuries. Neither Plaintiff nor her minor son could anticipate the physically abusive treatment that TDG received and they were not contributorily negligent and did not assume the risk of the harm that was done to him.

COUNT I (Intentional Tort - Assault & Battery)

The Plaintiff incorporates by reference in this count the claims made in paragraphs 1-11 above.

That KEITH NEWMAN and the rest of the LONGLEAF HOSPITAL staff and administration did not do what a reasonable, ordinary Mental Health Technician or Mental Healthcare facility would do in treating the Plaintiff's minor son, TDG. The assault and battery against the person of

TDG was a direct violation of the trust assumed by LONGLEAF HOSPITAL and its owners and operators in accepting the minor as a patient. The abusive treatment deviated from the appropriate standard of care during the hospitalization of the Plaintiff's minor son. The mental status of Plaintiff's minor son has been adversely impacted.

WHEREFORE: The Plaintiff claims damages against ACADIA HEALTHCARE COMPANY, INC., CROSSROADS REGIONAL HOSPITAL LLC OF LOUISIANA, and KEITH NEWMAN individually in an amount to be determined at trial, plus costs, and for any further relief that this Honorable Court determines necessary and appropriate.

COUNT II (Negligence - Medical Malpractice)

The Plaintiff incorporates by reference in this count the claims made in paragraphs 1-11 above.

That at the time of the hospitalization and treatment of the Plaintiff's minor son, TDG on August 23, 2015, KEITH NEWMAN, and two other not yet identified Mental Health Technician, as well as the LONGLEAF HOSPITAL staff who did not adequately screen in hiring, train, and

supervise Mental Health Technicians, all were acting within the scope of their employment by the LONGLEAF HOSPITAL and agency with Defendants CROSSROADS REGIONAL HOSPITAL LLC OF LOUISIANA and ACADIA HEALTHCARE COMPANY, INC.

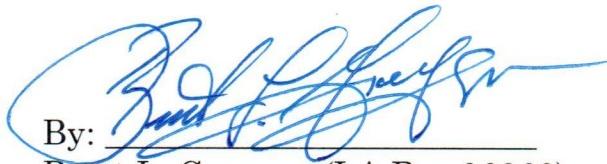
WHEREFORE, Plaintiff prays for judgment against CROSSROADS REGIONAL HOSPITAL LLC OF LOUISIANA, ACADIA HEALTHCARE COMPANY, INC., and KEITH NEWMAN, plus costs, and any additional relief this court believes is appropriate.

DEMAND FOR JURY TRIAL

Pursuant to Rule 38 of the Federal Rules of Civil Procedure, the Plaintiff demands trial by jury in this action of all issues so triable.

Dated: June 10, 2016 Lafayette, Louisiana

Respectfully submitted,
BRETT L GRAYSON, LLC

By: 
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Attorney for Plaintiff

Plaintiff will cause the following to be served as follows:

1. ACADIA HEALTHCARE COMPANY, INC., through its agent for service of process:

The Corporation Trust Company
Corporation Trust Center
1209 Orange Street
Wilmington, DE 19801

2. CROSSROADS REGIONAL HOSPITAL LLC OF LOUISIANA, through its agent for service of process:

CT Corporation System
3867 Plaza Tower Drive
Baton Rouge, LA 70816

3. KEITH NEWMAN
2939 Cypress Street
Alexandria, LA 71302